

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	NO. CR-07-66-JLQ
Plaintiff,)	
)	
v.)	ORDER REGARDING DISCOVERY
)	AND PRETRIAL MOTIONS
)	
RUBEN PATINO, JR.,)	
)	
Defendant.)	

OPEN FILE DISCOVERY

In voluntary discovery cases, the United States, within 3 business days of the date of arraignment, shall deliver to the defendant all investigative material in its file required by the Federal Rules of Criminal Procedure, specifically including, but not limited to, police and incident reports and defendant's prior criminal record. The United States shall thereafter continue to furnish discovery as it is received and shall complete furnishing all discovery within 10 days of the date of this order. These directives assume a defense request for discovery pursuant to Fed. R. Crim. P. 16, and imposes a reciprocal duty to provide discovery. If a defendant does not wish to invoke the rule, the defendant shall file a notice, prior to accepting discovery from the government.

NOTICE OF NON-DISCOVERY

If the United States, for any reason, is not going to voluntarily provide all investigative material, it will serve and

1 file a notice to that effect within five (5) days of this order. If
2 discovery received after the date of this order is not going to be
3 voluntarily furnished, notice to that effect shall be filed and
4 served within five (5) days of the United States' receipt of such
5 material. Absent the filing of such notice, all discovery shall be
6 promptly furnished consistent with the provisions of this order.

7 **DEFENSE MOTIONS**

8 If the United States serves and files the five-day notice of
9 non-disclosure, defendant shall file discovery motions within ten
10 (10) days thereafter. Except as earlier provided, and to prevent
11 manifest injustice, defendant shall have thirty days from
12 arraignment to file other motions.

13 **SCHEDULING MOTIONS**

14 Responses to motions shall be filed and served no later than
15 five (5) days, excluding weekends and holidays, from receipt of
16 motions. Replies, if any, shall be filed within five (5) days,
17 excluding weekends and holidays, of receipt of responses. Motions
18 shall be noted for hearing with or without oral argument, pursuant
19 to local rules. Unless shortened by the court, upon motion and good
20 cause shown, oral argument should be noted for the time of the
21 pretrial conference, provided this schedule permits all briefing to
22 occur within the time frame set forth in LR 7, Local Rules for the
23 Eastern District of Washington.

24 **NOTICE OF CONFLICT OF INTEREST**

25 The representation by one lawyer, or by different members of
26 one law firm, of two or more defendants charged under the same
27 instrument or charged with factually related offenses will be
28 permitted only on a showing that no conflict does, or will likely

1 exist, or on a knowing waiver, executed in open court before a
2 federal district judge.

3 Counsel who desire to represent two or more defendants charged
4 under the same instrument, or charged with factually related
5 offenses, shall immediately file a motion to secure prior approval
6 of such representation by the federal district judge to whom this
7 case is assigned.

8 In addition, counsel shall promptly investigate whether other
9 conflicts exist that may prevent representation and bring any
10 potential conflicts to the attention of the court as soon as
11 possible.

12 **IT IS SO ORDERED.**

13 Dated this 12th day of April, 2007.

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15
16 s/Michael W. Leavitt
MICHAEL W. LEAVITT
17 UNITED STATES MAGISTRATE JUDGE
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